

**CALL TO ORDER**

Mayor Dziubek opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL** - Present: Rob Haynes, Matt Severino, William Bischoff, Frank Mazza, Patricia Dziubek  
Absent: None  
Others Present: J. Peter Jost, Esq., and Ella M. Ruta, Township Clerk.

**APPROVAL OF MINUTES**

a. Reorganization Meeting Minutes of January 7, 2009.

Mr. Bischoff made a motion to approve the said minutes. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza and Mrs. Dziubek. Motion carried.

b. Regular Meeting Minutes of January 7, 2009.

Mr. Mazza made a motion to approve the said minutes. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza and Mrs. Dziubek. Motion carried.

c. Executive Session Meeting dated January 7, 2009.

Mr. Mazza made a motion to approve the said minutes. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza and Mrs. Dziubek. Motion carried.

Mr. Mazza officially transferred the keys for the vault closet, key to the key cabinet in the clerk’s office and combination to the safe to Mayor Dziubek.

**VISITORS**

a. Maser Consulting - Presentation. Mr. Roseberry gave a brief overview of his experience with Union Township. His company had provided engineering services to the Township in the past. Mr. Roseberry also stated his qualifications and services offered by Maser Consulting.

**ITEM ADDED TO THE AGENDA****EXECUTIVE SESSION**

The following resolution was introduced for adoption:

**RESOLUTION #2009-23**  
**Providing for a Meeting Not Open to the Public in Accordance with the**  
**Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

7. \_\_\_\_\_ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on January 21 at 7:16 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Severino made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 7:28 p.m., Mr. Severino made a motion to come out of the Executive Session. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

#### **VISITORS - CONTINUATION**

- b. Pattenburg Rescue Squad – Howard Barnes and Barb Sadusky.

Mr. Barnes said that the Quakertown Fire Company now has a quick response team and they inquired of the Pattenburg Rescue Squad if there would be interest in having them respond to BLS and ALS calls. The Pattenburg Rescue Squad determined that the Township was fully covered for all emergencies and declined the offer.

- c. Steve Balzano – Environmental Consulting Services

Mr. Balzano presented the Committee with amendments to the Hunterdon County Wastewater Management Plan. He also discussed/clarified Highlands Conformance and compliance process specific to the Union Twp. Mr. Balzano explained the sewer service areas situation in Union Township and clarified procedures and recommendations.

Mr. Balzano asked the Committee to adopt the following resolution:

#### **Resolution #2009-24**

**Requested Changes to the Union Township Sewer Service Area Map prepared by Hunterdon County Planning Department**

## MINUTES OF REGULAR MEETING January 21, 2009

WHEREAS, on July 7, 2008, the New Jersey Department of Environmental protection adopted amendments to N.J.A.C. 7:15 Water Quality Management Planning Rules; and,

WHEREAS, the NJDEP has designated Hunterdon County as the designated Wastewater Management Planning Agency for the Township of Union, Hunterdon County; and,

WHEREAS, the Township Committee previously established a Wastewater Management Advisory Subcommittee to review and provide comment to the Wastewater Management Plan being prepared by Hunterdon County; and,

WHEREAS, on January 13, 2009 Hunterdon County Planning Department prepared and submitted a revised Sewer Service Area Map to the Township of Union for review and comment; and,

WHEREAS, the Wastewater Management Advisory Subcommittee has reviewed the Sewer Service Area Map prepared by Hunterdon County and provided recommendations for changes to existing and future sewer service area designations within the Township of Union; and,

WHEREAS, the changes proposed by the Subcommittee are necessary to provide accommodation for future sewer service area designations for projects that have previously obtained site plan approvals from the Township of Union, specifically including the Milligan Farm 100% municipally sponsored affordable housing project that was previously submitted to the Council of Affordable Housing as part of the Township's Fair Share Housing Plan; and,

WHEREAS, the inclusion of the Milligan Farm Affordable Housing project within a designated sewer service area must be maintained within any future service area designated by Hunterdon County; and,

WHEREAS, the Subcommittee has prepared a list of additions, deletions and modifications to the Sewer Service Area map prepared by Hunterdon County which list is attached as Exhibit A to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Union Township Committee hereby approve the requested changes to the Sewer Service Area Map prepared by Hunterdon County based on the recommendation of the Wastewater Management Subcommittee which is attached to this resolution as Exhibit A; and,

BE IT FURTHER RESOLVED that the governing body of Union Township hereby request that the changes be incorporated into the Sewer Service Area Map being prepared by Hunterdon County prior to submitting a wastewater management plan to NJDEP in accordance with the adopted rules; and,

BE IT FURTHER RESOLVED that the governing body of Union Township hereby directs the municipal clerk to immediately transmit a signed and sealed copy of this resolution to Hunterdon County Planning Department along with Exhibit A which is attached hereto.

Mr. Bischoff made a motion to adopt the above resolution, Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

Mr. Balzano will transmit the list of amendments electronically; the official letter from the Township will follow.

**Mr. Balzano recommended establishing a Highlands Subcommittee to work on details regarding Highlands Conformance. Suggestions and recommendations would then be put forth before the**

Township Committee for approval. Mrs. Dziubek asked for a motion establishing an Ad Hoc Highlands Committee consisting of members of the Wastewater Management Committee. Mr. Mazza moved that motion. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

#### OUT OF AGENDA ORDER

#### d. Discussion – 2009 Budget Meetings; confirmation of dates

Grace Brennan, Union Twp. CFO suggested a few possible dates for special 2009 budget meetings. After a short discussion, Mrs. Brennan was asked to schedule dates via e-mail to accommodate individual Committee members and provide them to the Twp. Clerk for newspaper publication.

Mayor Dziubek asked the CFO about Economic Recovery Program correspondence. Mrs. Brennan will continue to research the details/impact of it to Union Twp. and keep the Committee informed.

#### OUT OF AGENDA ORDER

The following resolution was introduced for adoption:

**RESOLUTION #2009-25  
UNION TOWNSHIP, HUNTERDON COUNTY  
APPROPRIATION RESERVE TRANSFER(S)**

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2008 Appropriation Reserve Budget in the following accounts:

TO: Municipal Court OE	10649020(A)	\$ 750.00
Legal OE	10515020(A)	15,000.00
Engineering OE	10516520(A)	2,400.00
Roads OE	10529020(A)	5,000.00
		\$23,150.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM: Road Maintenance S & W	10529010(A)	\$ 6,500.00
Municipal Clerk S & W	10512010(A)	2,000.00
Mayor and Council S & W	10511010(A)	4,500.00
Solid Waste Collection S & W	10530510(A)	3,000.00
Longevity Service Pay	10542520(A)	1,400.00
Electricity	10543020(A)	5,000.00
Finance OE	10513020(A)	750.00
		\$23,150.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A:4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Mr. Severino made a motion to adopt the above resolution, Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

After a brief discussion regarding the Township's professional contract for engineering services, Mr. Bischoff made a motion to extend the 2008 contract and compensation for one month (January) to Engineer Reymann. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

#### OUT OF AGENDA ORDER

#### e. Emergency Management Report

Jeff Polenz submitted a written 2009 OEM Report for Union Twp. and gave a brief overview regarding the updates to the 2009 OEM Plan.

Mayor Dziubek requested a 5-minute recess at 8:32 p.m.  
Session resumed at 8:36 p.m.

#### REPORTS RECEIVED

##### a. Road Dept.- Week Ending 1/02/09; 1/11/09

Briefly discussed were funds for repairs to the drainage problem on Coachman Drive. Mrs. Brennan stated that invoices for materials total \$5,656.00. Atty. Jost suggested the motion to resolve that the amount of the contract of \$5,656 is approved notwithstanding any earlier resolution or motion. Mr. Severino moved the motion, Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza and Mrs. Dziubek. Motion carried.

Mr. Bischoff requested that the clerk check the files if there was a prior resolution regarding this issue.

Grace Brennan left the meeting at 8:25 p.m.

##### b. Construction Dept. – December 2008.

Mr. Bischoff requested a report with cost vs. revenue analysis for 2008 and the preceding five years. Mr. Haynes was asked to contact the CFO about the report.

##### c. Municipal Court – December 2008

##### d. Environmental Commission - Dec 9, 2008 Draft Meeting Minutes

#### CORRESPONDENCE

Mr. Haynes mentioned the following: No Comments

Mr. Mazza mentioned the following:

- Asked that the Performance Guarantee for the Grand Colonial be released. Mr. Mazza said that all items have been satisfied according to the plans. Discussion followed regarding posting of a maintenance bond by the Grand Colonial. The Committee agreed that Atty. Jost will draft a letter to Mr. Ali owner of the Grand Colonial, and prepare a resolution for the next Committee meeting releasing Performance Guarantee Bond.

Mr. Severino mentioned the following:

- Letter from the State of New Jersey regarding certification of the Recycling Coordinators. Mr. Severino stated that he has contacted Mr. Garrison and informed him of the State requirement that all recycling coordinators must be certified by 2010. Mr. Garrison was also directed to contact Mr. Johnson at the Hunterdon County Solid Waste and Recycling for more information. Mrs. Dziubek asked that Mr. Garrison be notified in writing.

Mr. Bischoff mentioned the following:

- Governor Proposal for FY '09 Funding cuts. The Clerk was asked to copy the letter for the Twp. CFO, Grace Brennan to do some research.
- Support Our Troops Day on April 19, 2009. Mr. Bischoff would commend anybody that is so inclined to make a donation to support the troops. The Clerk was asked to prepare a Proclamation to be adopted at the next Committee meeting.
- 2009 Highlands Plan Conformance Program. Given to Steve Balzano.
- Apgar/Union Township, Block 19, Lot 7. Mrs. Dziubek said this is a COAH/legal issue and is being worked on between Grace Brennan, CFO, Mr. Vance, Tax Assessor, and Mr. Koenig, our counsel for COAH. Mr. Bischoff asked the Clerk send a copy of correspondence to Mr. Koenig, with letter of transmittal under his signature. Atty. Jost will contact Mr. Koenig regarding this matter.
- A letter from NJ DOT with regard to the Union Twp. request for improvements to Exit 11.

Mrs. Dziubek mentioned the following: No Comments

**PUBLIC COMMENTS - None**

**PUBLIC HEARING – 2<sup>nd</sup> reading - None**

**OLD BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION 2009-**

**Animal Control Service Contract**

Mayor Dziubek said the Township is waiting for a report from Hunterdon Humane Animal Shelter. The resolution was tabled until February 4<sup>th</sup> Twp. Committee meeting.

**NEW BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION #2009-26**

**UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2009**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, anticipated term of this contract is one year; and

WHEREAS, J. PETER JOST, ESQ. has submitted a proposal indicating he will be paid a salary of \$13,800.00 per year and the fee for all other legal services rendered shall be \$167.50 per hour; and

WHEREAS, J. PETER JOST, ESQ. has completed and submitted a Business Entity Disclosure Certification which certifies that J. PETER JOST, ESQ. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit J. PETER JOST, ESQ. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Legal Services, OE; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and Clerk to enter into a contract with J. PETER JOST, ESQ. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the official newspaper of this municipality.

#### CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Finance Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2009 Temporary/Adopted Budget to award a contract to J. Peter Jost, as appropriated under the line item "\_\_\_\_\_".

Date:\_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Mr. Bischoff made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

b. The following resolution was introduced for adoption:

#### **RESOLUTION #2009-27 UNION TOWNSHIP, HUNTERDON COUNTY**

#### **AUTHORIZING CONTRACT FOR ENVIRONMENTAL CONSULTING SERVICES FOR 2009 Princeton Hydro LLC/Stephen J. Souza, Ph. D.**

WHEREAS, the Township of Union has a need for environmental consulting services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, PRINCETON HYDRO LLC has completed and submitted a Business Entity Disclosure Certification which certifies that PRINCETON HYDRO LLC has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit PRINCETON HYDRO LLC from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Princeton Hydro LLC, (Stephen J. Souza, Ph.D.) for environmental consulting services for 2009.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law because Stephen J. Souza, Ph. D. is a professional environmental consultant.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2009 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

**CERTIFICATION AS TO AVAILABILITY OF FUNDS  
UNION TOWNSHIP, HUNTERDON COUNTY**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2009 Temporary/Adopted Budget to award a contract to Princeton Hydro LLC under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Mr. Bischoff made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

c. The following resolution was introduced for adoption:

**RESOLUTION #2009-28  
UNION TOWNSHIP, HUNTERDON COUNTY**

**2009 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL  
Anthony J. Pannella, Jr., Esq. and Lillian Plata, Esq.  
of the Firm Wilentz Goldman & Spitzer P.A.**



WHEREAS, there exists a need for specialized legal services in connection with the authorization and issuance of bonds or notes of the Township of Union (the "Township") in the Township of Union, County of Hunterdon, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of WILENTZ GOLDMAN & SPITZER P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, New Jersey, 07095-0958, is so recognized by the financial community; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union as follows:

1. The law firm of Wilentz Goldman & Spitzer P.A., Woodbridge, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township of Union in accordance with an Agreement;
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. POLITICAL CONTRIBUTION DISCLOSURE. This contract has been awarded to professional based on the merits and abilities of professional to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the professional does hereby attest that professional, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement commission pursuant to N.J.S.A.19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.
4. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township of Union.
5. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Hunterdon Democrat.

#### CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2009 Temporary/Adopted Budget to award a contract to Wilentz Goldman & Spitzer P.A., as appropriated under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

Grace M. Brennan, CFO

Mr. Mazza made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

d. The following resolution was introduced for adoption :

**RESOLUTION #2009-29**

**UNION TOWNSHIP, HUNTERDON COUNTY  
AUTHORIZING THE AWARD OF A  
2009 PROFESSIONAL SERVICES RESOLUTION/AUDITOR:  
SUPLEE, CLOONEY & COMPANY**

WHEREAS, there exists a need for a municipal Auditor as a non-fair and open contract pursuant to provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has submitted a proposal dated January 8, 2009, indication they will provide the auditor services for the anticipated fee of \$28,900.00; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has completed and submitted a Business Entity Disclosure Certification which certified that SUPLEE, CLOONEY & COMPANY has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit SUPLEE, CLOONEY & COMPANY from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C.5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, authorizes the Mayor and Clerk of the Township of Union to enter into a contract with SUPLEE, CLOONEY & COMPANY as described herein as auditors on and in behalf of the Township of Union for the year **2009**; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township newspaper and a copy of this Resolution shall be forwarded to SUPLEE, CLOONEY & COMPANY, the Township Clerk and the Township Financial Officer.

**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer, of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to SUPLEE, CLOONEY & COMPANY, as appropriated in the **2009** Temporary/Adopted Budget under the line item "Finance OE".

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Grace M. Brennan, CFO

Mr. Mazza made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

e. The following resolution was introduced for adoption:

**RESOLUTION #2009-30**  
**UNION TOWNSHIP, HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR PLANNING CONSULTANT SERVICES FOR 2009**  
**Clarke-Caton-Hintz/Carl E. Hintz, PP**

WHEREAS, the Township of Union has a need to acquire planning services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, CLARKE CATON HINTZ has completed and submitted a Business Entity Disclosure Certification which certifies that CLARKE CATON HINTZ has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit CLARKE CATON HINTZ from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Clarke-Caton-Hintz/Carl E. Hintz, PP, for planning consulting services for 2009.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law because Carl E. Hintz is a professional planner.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2009 temporary and permanent Municipal budgets.

4. A Notice of this action shall be printed once in the official newspaper.

#### **CERTIFICATION AS TO AVAILABILITY OF FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2009 Temporary/Adopted Budget to award a contract to Clarke-Caton-Hintz under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Mr. Bischoff made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

- f. The following resolution was introduced for adoption:

**RESOLUTION #2009-31  
UNION TOWNSHIP, HUNTERDON COUNTY  
AUTHORIZING 2009 PROFESSIONAL SERVICE CONTRACT – HYDROGEOLOGIC  
CONSULTANT**

**Uhl, Baron, Rana & Associates Inc., /Vincent W. Uhl and Anthony J. Rana**

WHEREAS, the Township of Union has a need to acquire hydrogeologic services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

WHEREAS, UHL, BARON, RANA & ASSOC., INC. has completed and submitted a Business Entity Disclosure Certification which certifies that UHL, BARON, RANA & ASSOC., INC. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit UHL, BARON, RANA & ASSOC., INC. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Uhl, Baron, Rana & Associates Inc., (Vincent W. Uhl and Anthony J. Rana) for hydrogeologic consulting services for 2009.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law.

3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2009 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

#### **CERTIFICATION AS TO AVAILABILITY OF FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2009 Temporary/Adopted Budget to award a contract to Uhl, Baron, Rana & Associates Inc., under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Mr. Bischoff made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

g. The following resolution was introduced for adoption:

#### **RESOLUTION 2009-32 UNION TOWNSHIP, HUNTERDON COUNTY RE-APPOINTMENT – ROBERT BALLARD, ESQ. MUNICIPAL PROSECUTOR**

**WHEREAS**, The Union Township Committee appointed Robert Ballard, Esq. as Union Township Municipal prosecutor;

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union to re-appoint Robert Ballard, Esq. as Municipal Prosecutor for the Township of Union, for the year of 2009 at an annual salary of \$14,000.00; and shall not receive other benefits.

Mr. Bischoff made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

h. The following resolution was introduced for adoption:

#### **RESOLUTION 2009-33 UNION TOWNSHIP, HUNTERDON COUNTY APPOINTMENT/MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, P.L. 1977, Ch. 256, was signed by the Governor on September 23, 1997, and takes effect on March 22, 1998; and

**WHEREAS**, Said legislation will effectively end the pro bono assignment of attorneys to represent indigent defendants in the municipal court, and establishes an application fee procedure which will enable municipalities to develop a fund out of which to pay a municipal public defender; and

**WHEREAS**, it is essential for all municipalities who do not currently have public defenders to establish the office of municipal public defender;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Union, Hunterdon County, to appoint Scott C.Mitzner, Esq. for a term of one year, as Union Township Municipal Public Defender, effective January 1, 2009 , at a per session fee of \$600.00 paid by voucher.

Mr. Bischoff made a motion to adopt the above resolution subject to the Twp. Atty. review. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

i. The following resolution was introduced for adoption:

**RESOLUTION #2009 - 34  
UNION TOWNSHIP; HUNTERDON COUNTY  
REFUND OF TAX SALE PREMIUM**

WHEREAS, there exists a premium of taxes for the following tax sale certificate which was redeemed on January 9, 2009:

TAX SALE CERTIFI- CATE #	BLOCK	LOT	QUALI- FIER	NAME	AMOUNT
07-03	22	3		Sterling Enterprises Of Hunterdon	\$3,100.00*

\* To be refunded to U.S.Bank-Cust./SASS MUNI UDTR

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the refund of tax sale premium be returned to the above stated name, and that the Chief Finance Officer of the Township of Union is hereby authorized to issue a check in the stated amount.

Mr. Bischoff made a motion to adopt the above resolution subject to changing the name of the Mayor. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

j. The following resolution was introduced for adoption:

**RESOLUTION 2009-35  
UNION TOWNSHIP, HUNTERDON COUNTY  
2008 TAX OVERPAYMENT APPLIED TO 2009 TAXES**

**WHEREAS**, there exists an overpayment of taxes for the attached List of Properties;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, County of Hunterdon, State of new Jersey, that the 2008 tax overpayment be applied to the 2009 taxes of persons named as follows:

Owner	Block	Lot	Qualifier	Amount
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Ravenburg, Kenneth Richard	1.08	25		1056.10
Nenna, Anthony	1.09	13		3840.48
MacDonald, Allan L Jr	5	17.01		10.54
Phillips, James & Judith W	9	21		13.45
Lehigh Gas Corporation	11	12		31.17
Molnar, Michael P & Pamela L	12	16		11.33
Lehigh Gas Corporation	13	11.01		10.62
O'Grady, Daniel & Rita	17	4.27		105.33
Papadopoulos, Van & Cathleen	17	4.32		13.62
Johnson, Martha D	18	11		15.01
Wachovia Corp Real Estate	23	3		83.09
Hull, David	24	2	C1901	167.66
Diaz, Gary & Jamie	24	2	C2501	831.35
Beyer, Lynn E	24	2	C3106	25.17
Prastion LLC/A, Zambas	24.02	2.02		55.89
Au Hua Kung % Philip R. Cooper	25	18		22.32
Throckmorton, Mark S & Diane	26	1		15.22
Findley, Harry M	28	27.03		14.60
Gyuro, Linda & Ronald	29	7.14		10.63
Van Doren, Barry M & Dawn E	30	9		14.91
FSHP Realty Partnership	23	2.07		2890.63
Gelok, Ronald A Jr & Ruby J	29	2.18		26.16
Horton, Kevin L & Hattie	28	32.11		93.21
Radican, Francis L & Eileen E	25.02	8		4285.62
Reed, Scott & Melina	11	8.30		27.74
Nowlan, Patrick & Deirtris C	11	8.31		25.05
Anandani, Sanjay D	11.01	8		126.57
Anandani, Rakesh D & Shireen R	11.01	9		38.29
Huang, Pei	11.01	21		310.25

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, m Country of Hunterdon, State of new Jersey, that the 2008 tax overpayment be applied to the 2009 taxes of the person(s) named above.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

k. The following resolution was introduced for adoption:

**RESOLUTION 2009-36**  
**RE: Glenn Scherer, 22 Williamson Lane, Block 15 Lot 10**  
**Refund of Excavation Bond**

**WHEREAS**, Glen Scherer, posted a \$500.00 excavation bond for work on block 15 lot 10; and

**WHEREAS**, the Construction Department has issued a Certificate of Occupancy and requested the release of this excavation bond back to Mr. Scherer;

**NOW, THEREFORE, BE IT RESOLVED**, that the excavation bond in the amount of \$500.00 be refunded to Glen Scherer.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

l. The following resolution was introduced for adoption:

**RESOLUTION 2009-37**  
**RE: Clinton Congregation of Jehovah's**  
**Refund of Unused Escrow Funds**

**WHEREAS**, The Clinton Congregation of Jehovah's, posted an escrow account for an application at the Planning Board; and

**WHEREAS**, the application is complete and the unused funds are unencumbered; and

**WHEREAS**, the balance of the escrow account in the amount of \$795.00 should be returned to The Clinton Congregation of Jehovah's,

**NOW, THEREFORE, BE IT RESOLVED**, that the unused balance of the escrow account in the amount of \$795.00 be refunded to The Clinton Congregation of Jehovah's.

Mr. Severino made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

m. The following resolution was introduced for adoption:

**RESOLUTION 2009-38**  
**RE: Pattenberg Realty, LLC**  
**Refund of Unused Escrow Funds**

**WHEREAS**, Pattenberg Realty, posted an escrow account for an application at the Planning Board for the Pattenberg House; and

**WHEREAS**, the application is complete and the unused funds are unencumbered; and

**WHEREAS**, the balance of the escrow account in the amount of \$376.28 should be returned to Pattenberg Realty;

**NOW, THEREFORE, BE IT RESOLVED**, that the unused balance of the escrow account in the amount of \$376.28 be refunded to Pattenberg Realty.

Mr. Severino made a motion to adopt the above resolution subject to attorney review. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Abstained: Mr. Haynes. Motion Carried.

n. The following resolution was introduced for adoption:

**RESOLUTION 2009-39**  
**RE: Fred D. Porter, 77 Race Street, Pittstown, NJ 08867**  
**Refund of Unused Escrow Funds**

**WHEREAS**, that Fred D. Porter, posted an escrow account for work performed at 77 Race Street; and



**WHEREAS**, the application is complete and the unused funds are unencumbered; and

WHEREAS, the balance of the escrow account in the amount of \$250.00 should be returned to Fred D. Porter,

**NOW, THEREFORE, BE IT RESOLVED**, that the unused balance of the escrow account in the amount of \$250.00 be refunded to Fred D. Porter.

Mr. Severino made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

o. The following resolution was introduced for adoption:

**RESOLUTION #2009-40  
ESTABLISHING UNION TOWNSHIP SAFETY COMMITTEE**

**BE IT RESOLVED** that the following officials are hereby constituted as a Public Safety Committee for the Township of Union for the year 2009 in accordance with the recommendation of the Public Alliance Insurance Company (PAIC) and the member on the safety committee will be the CFO, the Municipal Clerk and the Foreman of the Road Department.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Mrs. Dziubek. Motion Carried.

p. **Motion** – Application for Use of Public Facilities – Colonial Quilters

Mr. Severino made a motion to approve above application. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

q. **Motion** – Application for Kennel License Renewal – Aladdin Kennels

Mr. Mazza made a motion to approve renewal for above application. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

r. **Motion** – Application for Trailer Coach Park License Renewal – Steve Heyman

Mr. Severino made a motion to approve above application. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Abstained: Mr. Haynes. Motion Carried.

**NEW ORDINANCE** – 1<sup>ST</sup> Reading – None

**REPORTS**

a. **Engineer's Report**

– Pilot is anxious to start construction. Updated the Committee on the situation regarding Pilot.

b. **Attorney's Report**

– Received a letter from Brass Castle Homeowners Association about the Bus Shelter at the entrance to the development. The Clerk was directed to formulate and send a letter from the Committee to the Planning Board Chairman asking for the Board's position on the matter. The Committee would like a

written response. This matter will be scheduled for discussion at the next Union Twp. Committee meeting.

**c. Mayor's Report**

- Requested comments and/or discussion on organizational and administrative chart. The issue will be discussed at the next Committee meeting. Suggestions from the Committee have to be submitted by emailing Mrs. Dziubek.
- Received invitation to the Mayors from the County to participate in a Farmland Preservation seminar. Mayor Dziubek plans on attending.
- Appointed Robert Nace as an alternate member to the Planning Board.
- Asked Atty. Jost about appointment of the Zoning Officer as the Class II Municipal Officer on the Planning Board. Peter will check with Mr. Anderson about any conflict of interest.

**d. Committee Report**

Mr. Bischoff reported the following:

- Had matters for Executive Session
- Received letter from Assemblyman Mike Doherty regarding possible legislation to abolish COAH obligations.

Mr. Haynes reported the following:

- Has matters for Executive Session

Mr. Severino reported the following: no report

Mr. Mazza reported the following: no report

Mrs. Dziubek reported the following:

- Morris County Land Conservancy completed draft plan of the Union Twp. Farmland Preservation. Mrs. Dziubek said that a letter was received asking for recommendations on the draft. Mrs. Dziubek asked that Mr. Mazza bring recommendations to the Agricultural Advisory Committee. She added that this document is to become a part of Master Plan.

**e. Clerk's Report**

- Raffle License #2009-1 Hunterdon County Developmental Center, Inc.; On Premise Merchandise; 06/14/09

Mr. Severino made a motion to approve raffle license #2009-1. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

- Request from Construction Office – New Program for Permits

Mr. Haynes will check with State requirements for implementation of the new program and report to the Committee. This matter was tabled until the next Committee meeting.

Mayor Dziubek mentioned that she would like to have a secure log in/password on all the Township's computers. She is working on it.

- Provided Committee with a memo regarding Safety Committee Members and Tentative Meeting Dates
- Had matters for Executive Session

**PUBLIC COMMENTS - None**

**PAYMENT OF THE BILLS**

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof with exception of the payment to the Flemington Department Store in the amount of \$236.94, PO #1350. Mr. Severino seconded. Vote: Ayes- Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

**OUT OF AGENDA ORDER**

The Committee members individually voiced their opinion and recommendations on an appointment of the Engineering Firm. Mr. Severino, Mr. Mazza, Mr. Bischoff and Mrs. Dziubek were in favor of Finelli Consulting Engineers. Mr. Haynes was in favor of Maser Consulting.

The following resolution was introduced for adoption:

**RESOLUTION #2009-41**

**RESOLUTION APPOINTING AN ENGINEER FOR TOWNSHIP OF UNION TO PROVIDE PROFESSIONAL SERVICES FOR THE YEAR 2009**

WHEREAS, Finelli Consulting Engineers, Inc. has been selected to fill the position of Union township Engineer; and

WHEREAS, The Township Committee is required to approve such appointment; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee does hereby confirm the appointment Finelli Consulting Engineers, Inc. to provide engineering services to the Township effective February 1, 2009 ending December 31, 2009 subject to submitting a written contract including all required documents by February 4, 2009; and

BE IT FURTHER RESOLVED that the appointment and the contract are subject to the Twp. Atty. review.

Mr. Mazza made a motion to approve above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

Engineer Reymann left the meeting at 9:54 p.m.

**EXECUTIVE SESSION**

The following resolution was introduced for adoption:

**RESOLUTION #2009 - 42**

**Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

7. \_\_\_\_\_ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
8. \_\_\_\_\_ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on January 21, 2009 at 9:55 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Severino made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 10:42 p.m., Mr. Severino made a motion to come out of the Executive Session. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn. Mr. Bischoff seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:42 p.m.

Respectfully submitted,

Ella M. Ruta, RMC  
Municipal Clerk